

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LEROY W. DADE, JR.,

Plaintiff,

v.

GAUDENZIA DRC, INC., *et al.*

Defendants.

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CIVIL ACTION

NO. 13-1381

ORDER

AND NOW, this 3rd day of July, 2013, upon consideration of the motion to dismiss filed by defendants, Gaudenzia DRC, Inc., Shakiya Drummond, Sharronna Holmes, Melvin Thompson, Erin Sutton, and Patricia O'Connor (Doc. # 12), and plaintiff's response thereto, it is hereby **ORDERED** that the motion is **GRANTED IN PART and DENIED IN PART** as follows:

1. Plaintiff's claim under 42 U.S.C. § 1983 based on the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") is **DISMISSED WITH PREJUDICE** with respect to all defendants.
2. Plaintiff's claim under 42 U.S.C. § 1983 based on the Eight Amendment to the United States Constitution is **DISMISSED WITHOUT PREJUDICE** with respect to defendants Gaudenzia DRC, Inc., and Melvin Thompson.
3. The balance of defendants' motion is **DENIED**.
4. Plaintiff is given leave to file an amended complaint within thirty (30) days of the date of this order.

/s/ William H. Yohn Jr., Judge
William H. Yohn Jr., Judge